

SENATE BILL 715

By Fowler

AN ACT to amend Tennessee Code Annotated, Title 33, Chapter 6, Part 4, relative to persons believed to be in need of mental health care and treatment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 33-6-402, is amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b)

(1) In addition to the procedure authorized by subsection (a), if the immediate family member of a person believes that such person is subject to detention under § 33-6-401, the family member may call an officer authorized to make arrests in this state.

(2)

(A) If the officer, based upon the statement of the family member and personal observation, if possible, also believes that the person is subject to detention under § 33-6-401, the officer and the family member shall reduce their reasons for this belief to writing in the form of an affidavit.

(B) If the officer, based upon the statement of the family member and personal observation, if possible, does not believe that the person is subject to detention under § 33-6-401, the officer shall refuse to complete an affidavit and shall inform the family member of the provisions of § 33-6-504.

(3) If the provisions of subsection (b)(2)(A) are applicable, the officer and the family member shall personally present the affidavit to a judge with jurisdiction over mental health commitments in the county where the person is located.

(4) The judge shall examine the affidavit and may take whatever additional proof the judge deems necessary.

(A) If the judge finds that there is reason to believe that the person is subject to detention under § 33-6-401, the judge shall issue an order to take the person into custody for immediate examination under § 33-6-404, for certification of need for care and treatment.

(B) If the judge finds that there is not reason to believe that the person is subject to detention under § 33-6-401, the judge shall refuse to issue an order to take the person into custody for immediate examination under § 33-6-404, for certification of need for care and treatment.

(5) As used in this subpart "immediate family member" means the person's spouse, parent, brother, sister, child eighteen (18) years of age or older or legal guardian.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.